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Attorneys for James M. Rhodes

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,

Reorganized Debtors

Case No.: 09-14814-LBR
(Jointly Administered)

Chapter 11

**JAMES RHODES' NOTICE OF
APPEAL**

☒ Affects all Debtors
☐ Affects the following Debtors

Pursuant to 28 U.S.C. § 158(a) and Fed. R. Bankr. P. 8001 *et seq.*, James M. Rhodes ("Rhodes"), through counsel, hereby appeals from the *Order Sustaining Reorganized Debtors' Objection to James Rhodes' Entitlement to the Tax Claim Found in Proof of Claim No. 814-33* (the "**Order**") entered in this case by the Honorable Linda B. Riegle on November 16, 2010 [Docket No. 1318], a true and correct copy of which is attached hereto.

The names of all parties to the order appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Party

Attorneys

Reorganized Debtors

Nile Leatham
Natalie M. Cox
Kolesar & Leatham, CHTD
3320 West Sahara Avenue, Suite 380
Las Vegas, Nevada 89102-3202
Telephone No. (702) 362-7800
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Telephone No. (212) 872-1000
Facsimile No. (212) 872-1002
E-Mail: pdublin@akingump.com
aqureshi@akingump.com
mlahaie@akingump.com

Other interested parties to this appeal may include the following:

U.S. Trustee

Edward M. McDonald
Office of the U.S. Trustee
300 Las Vegas Blvd., So. STE 4300
Las Vegas, Nevada 89101
Telephone No. (702) 388-6600
E-Mail: edward.m.mcdonald@usdoj.gov

DATED this 30th day of November, 2010.

/s/ Kevin N. Anderson

Kevin N. Anderson
FABIAN & CLENDENIN
Attorneys for James M. Rhodes

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EXHIBIT A



Entered on Docket
November 16, 2010

Hon. Linda B. Riegler
United States Bankruptcy Judge

AKIN GUMP STRAUSS HAUER & FELD LLP
One Bryant Park
New York, New York 10036
Tel: 212.872.1000 Facsimile: 212.872.1002 / akingump.com

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Counsel for Reorganized Debtors

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Counsel for Reorganized Debtors

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:
THE RHODES COMPANIES,
LLC, aka "Rhodes Homes," et al.,
Reorganized Debtors.¹

§ **Case No. 09-14814-LBR**
§ **(Jointly Administered)**
§
§ **Chapter 11**
§
§ **Hearing Date: 11/4/2010**
§ **Hearing Time: 9:30 a.m. (PST)**
§ **Courtroom 1**

¹ The Reorganized Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, if applicable, are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC (3060); Rhodes Ranch General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281); Batcave, LP (6837); Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf and Country Club (9730); Tuscany Acquisitions, LLC (0206); Tuscany Acquisitions II, LLC (8693); Tuscany Acquisitions III, LLC (9777); Tuscany Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design and Development Corp. (1963); C&J Holdings, Inc. (1315); Rhodes Realty, Inc. (0716); Jarupa LLC (4090); Elkhorn Investments, Inc. (6673); Rhodes Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC (8738); Tribes Holdings LLC (4347); Six Feathers Holdings, LLC (8451); Elkhorn Partners, A Nevada Limited Partnership (9654); Bravo Inc. (2642); Gung-Ho Concrete, LLC (6966); Geronimo Plumbing, LLC (6897); Apache Framing, LLC (6352); Tuscany Golf Country Club, LLC (7132); Pinnacle Grading, LLC (4838).

1 **Affects:**
 2 ☒ **All Debtors**
 3 ☐ **Affects the following**
 4 **Debtor(s)**

§
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5 **ORDER SUSTAINING REORGANIZED DEBTORS'**
 6 **OBJECTION TO JAMES RHODES' ENTITLEMENT TO THE TAX CLAIM**
 7 **FOUND IN PROOF OF CLAIM NO. 814-33**

8 Upon consideration of the pleadings filed by the parties with respect to this matter;
 9 and the Court having jurisdiction to consider the Reorganized Debtors' Objection² and the
 10 relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested
 11 therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper
 12 before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having reviewed
 13 the Reorganized Debtors' Objection; the Court hereby finds and determines that, pursuant to
 14 Rule 3007 of the Federal Rules of Bankruptcy Procedure, due and proper notice has been
 15 provided to the holder of the Proof of Claim attached as Exhibit A to the Reorganized
 16 Debtors' Objection and all other parties entitled to notice; and no other or further notice is
 17 necessary; therefore IT IS HEREBY ORDERED THAT:

18 1. For the reasons stated on the record at the hearing held on November 4, 2010,
 19 the Tax Claim in the total amount of \$9,729,151 is hereby disallowed and expunged from
 20 the Debtors' claims register;

21 2. With respect to the remaining claims, there will be a status conference on
 22 December 17, 2010 at 9:30 a.m., which counsel may attend telephonically; and

23 3. This Court shall retain jurisdiction to hear and determine all matters arising
 24 from the implementation of this Order.

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 27 ² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the
 28 Objection.

1 PREPARED AND SUBMITTED BY:

2

3 By: 

NILE LEATHAM, ESQ.

Nevada Bar No. 002838

NATALIE M. COX, ESQ.

Nevada Bar No. 007662

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and

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Counsel for Reorganized Debtors

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1 LR 9021(c) Certification:2 In accordance with LR 9021, counsel submitting this document certifies that the order
3 accurately reflects the court's ruling and that (check one):4 ☐ The court has waived the requirement set forth in LR 9021(b)(1).5 ☐ No party appeared at the hearing or filed an objection to the motion.6 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
7 hearing, and any unrepresented parties who appeared at the hearing, and each has
8 approved or disapproved the order, or failed to respond, as indicated below [list each
9 party and whether the party has approved, disapproved, or failed to respond to the
10 document]:

<u>Party</u>	<u>Approved</u>	<u>Disapproved</u>	<u>Failed to Respond</u>
Edward M. McDonald, Esq., Office of the U.S. Trustee	_____	_____	_____X_____
Kevin N. Anderson, Esq.	_____X_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

14 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order
15 with the motion pursuant to LR 9014(g), and that no party has objected to the form or
16 content of the order.

17 ###

CERTIFICATE OF NOTICE

District/off: 0978-2
Case: 09-14814

User: lyonsmk
Form ID: pdf928

Page 1 of 1
Total Noticed: 1

Date Rcvd: Dec 01, 2010

The following entities were noticed by first class mail on Dec 03, 2010.

+PHILIP C DUBLIN, ABID QURESHI, MEREDITH A LAHAIE, AKIN GUMP STRAUSS HAUER & FELD LLP,
ONE BRYANT PARK, NEW YORK, NY 10036-6728

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

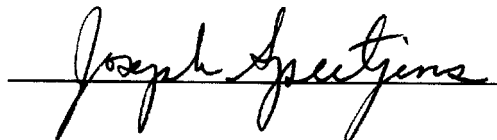
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 03, 2010

Signature:

A handwritten signature in black ink, reading "Joseph Speetjens", written over a horizontal line.